

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1891.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 7002.]

The Committee on Pensions, to whom was referred the bill (H. R. 7002) granting a pension to William Richardson, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 1494, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7002) granting a pension to William Richardson, submit the following report:

The Committee on Invalid Pensions of the Fiftieth Congress reported this case favorably to the House, which report this committee adopt as their report. It is as follows:

William Richardson, a private in Company K, First Regiment Ohio Light Battery, enlisted March 10, 1862, and was honorably discharged on the 14th of March, 1865, by reason of expiration of service. He applied for a pension in March, 1876, basing his claim upon the ground that he was wounded in the latter part of December, 1863, by a gunshot in the left side of the head from a gun in the hands of William Perkins, who was a member of his company and in a state of intoxication.

The claim was rejected June 2, 1877, on the ground that "the wound was not received in the line of duty."

The claimant makes affidavit to the following circumstances happening at the time of his injury:

"That he was on guard the day of the shooting, and was guard over a boy who was bucked and gagged; in the afternoon William Perkins wanted him to aid him to release the boy and he refused to do so. After he was relieved Perkins wanted him to go and take the officer's whisky, and upon his refusing, Perkins called him a damned coward. After he had gone to bed late in the evening, Perkins again came to him and having waked him, wanted him to go with him to take a demijohn from the officers' tent who were then absent.

"Upon his refusal he said I was a damned coward and that he would kill me, and without further remark shot me. Perkins shot Sergeant Fairhurst of my company. I am unable to do manual labor."

A number of the privates of Company K testify that the shooting was done by Perkins without any apparent cause or provocation, and Perkins himself says: "I entered the tent where Richardson was in bed, and without any provocation fired my revolver at him, wounding him in the head;" that he did this while maddened with liquor.

Some of the witnesses, when examined by a special agent of the Pension Bureau, testified that Richardson was teasing an old man, a member of the company, when Perkins interfered and shot him (referring to Private Quigley, then a member of the company). Private Quigley files his affidavit denying that he was present at the time of the shooting, and showing that he was then performing guard duty. And

other witnesses, who previously testified to this fact, subsequently filed affidavits admitting that after having their recollections refreshed by conversation with their comrades they were satisfied that they had done the claimant an injustice, and that the time to which they referred was anterior to the date of the shooting.

On May 18, 1876, Dr. Isaac Scott, examining surgeon, certified to the Pension Bureau that—

“On examination of the applicant I find cicatrix showing scalp wound 2 inches in length on the crown of the head $1\frac{1}{2}$ inches to the left of the sagittal suture and in line with it. Applicant states that a number of spicula of bone have come out since he received the wound, and he complains of pain in that side of the head, and giddiness, on stooping. In my opinion the said William Richardson is one-half totally incapacitated. The disability is probably permanent.”

On November 9, 1880, George O. Hildreth, examining surgeon, certified to the Bureau that—

“In my opinion the said William Richardson is three-eighths incapacitated; that the disability is permanent. The top of the head shows no cicatrix, but a groove or depression is felt in the left parietal bone about an inch from the line of the sagittal suture. It commences near the coronal suture and runs back about 2 inches, like a furrow. It seems to be two or three lines wide, the border or edge rather tender on pressure. He alleges a feeling of heat about the wound; pains extending front and back, irregular in character, and increased by stooping work and by heat of weather; occasional vertigo; results, as stated, of a raking revolver-wound of scalp and cranium.”

This analysis of the testimony clearly establishes the existence of three facts:

First. That the claimant received a wound on left side of the head.

Second. That the wound so received was from a ball fired from a pistol in the hands of a comrade while under the influence of liquor, without provocation and while the claimant was in bed; and

Third. That in the opinion of one examining surgeon his disability should be rated at one-half, and in the opinion of the other examining surgeon at three-eighths disability.

The record discloses another important fact as bearing upon the right of this claimant to a pension under the law as it existed, where it states the fact that Sergeant Fairhurst was pensioned for injury of the left knee, caused by the accidental discharge of a pistol in the hands of Private Perkins. In the one case the injury was received at the hands of Private Perkins by the “accidental discharge” of his pistol, and in the other by the deliberate and unprovoked discharge of his pistol with intent to injure the claimant.

It is impossible for the committee to draw so fine a distinction as the Pension Bureau in these two cases. The committee is of opinion that Sergeant Fairhurst was properly pensioned, and they are equally of opinion that the claimant, William Richardson, is entitled to be placed on the pension-roll.

Senate bill No. 1638 is therefore reported favorably, with the recommendation that it do pass.

And the committee, being satisfied with the justice of the claim of the said William Richardson, recommend that said bill do pass.